



Attorney Docket No.: 5808.200-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Martin Lehmann

Confirmation No: 4209

Serial No.: 09/488,265

Group Art Unit: 1652

Filed: January 20, 2000

Examiner: D. Ramirez

For: Improved Phytases

REPLY UNDER 37 C.F.R. 1.111

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This submission is in response to the Office Action mailed March 26, 2003. Claims 15-26 are pending in the present application and at issue.

It is respectfully submitted that the reply presents no new issues or new matter and places this case in condition for allowance. Reconsideration of the application in view of the following remarks is requested.

I. Sequence Listing

The Office Action stated that the newly submitted computer readable form was damaged and/or unreadable.

Applicants therefore enclose another computer readable form of the Sequence Listing. The content of the paper copy that was submitted on January 13, 2003 and of the enclosed computer readable form is the same. This submission contains no new matter.

**II. The Rejection of Claims 15-26 under the Doctrine
of Obviousness-Type Double Patenting**

The Office maintained the rejection of claims 15-26 under the doctrine of obviousness-type double patenting as being unpatentable over claims 8 and 38 of U.S. application no. 09/343,126.

Applicants enclose a Terminal Disclaimer Under 37 CFR 1.321 disclaiming the terminal portion of any patent granted on the above-identified application which would extend beyond


the expiration date of any US patent granted on application no. 09/343,126. Applicants, therefore, submit that this rejection has been overcome.

III. CONCLUSION

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

Date: September 18, 2003


Elias J. Lambiris, Reg. No. 33,728
Novozymes North America, Inc.
500 Fifth Avenue, Suite 1600
New York, NY 10110
(212) 840-0097